

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Viktor Menart et al.
Application No.: 10/583,157
Filing Date: June 16, 2006
Confirmation No.: 5099
Title: A Pharmaceutical Composition Comprising an Active Principal and Sulphobetaine
Examiner: Woodward, Cherie Michelle
Group Art Unit: 1647

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

LEK Pharmaceuticals D.D. (hereinafter "LEK"), a Company organized under the laws of the Republic of Slovenia, having a place of business at Verovskova 57, 1526 Ljubljana, Slovenia, represents that it is the assignee and owner of the entire interest in the above-identified application by reason of an assignment executed by the inventors Viktor Menart, Vladka Gaberc Porekar, and Barbara Podobnik on May 4, 2006. This assignment was recorded in the U.S. Patent Office on January 19, 2009, at Reel / Frame Number 022124 / 0719.

LEK hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC § 154 – 156 and § 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application No. 10 / 577,285, which is the U.S. national phase of PCT application PCT/IB03/05575, filed November 4, 2003. Said Application No. 10 / 577,285 is also assigned to LEK by reason of an

assignment executed by the inventors Barbara Podobnik, Vladka Gaberc Porekar, and Viktor Menart on April 5, 2006. This assignment was recorded in the U.S. Patent Office on January 8, 2009, at Reel / Frame Number 022075 / 0515.

LEK hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application Number 10 / 577,285 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, LEK does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC § 154 – 156 and § 173 of any patent granted on Application No. 10 / 577,285, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR § 1.20(d) is included.

Respectfully submitted,

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